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US v. Rivera-Gonzalez

January 8, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for conspiracy to distribute a controlled substance, 21 U.S.C. section 841(a)(1), 846, and aiding and abetting possession of a firearm in furtherance of a drug crime, 18 U.S.C. sections 2, 924(c), is vacated and remanded for the District Court to explain its reasoning at resentencing, where the imposition of such an unexplained variant sentence is obvious error.

Global Tower Assets LLC v. Town of Rome

January 8, 2016

Administrative Law, Communications Law

(United States First Circuit) - In an suit alleging violations of the Telecommunication Act of 1996 (TCA), the district court's dismissal of the TCA claims is affirmed where a planning board's decision does not mark the end of the administrative process and thus is not a final action for TCA purposes.

US v. Madsen

January 8, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence and conviction of aiding and abetting the making of material false statements in connection with the acquisition of firearms, 18 U.S.C. sections 2, 922(a)(6) and 924(a)(2), are affirmed over defendant's claims that: 1) the prosecutor's statements during closing argument in his criminal trial misstated the evidence, amounted to proscribed comments on his failure to testify, and improperly shifted the burden of proof; and 2) the district court abused its discretion in imposing a variant sentence above the guideline sentencing range (GSR).